

STREETS AND HIGHWAYS CODE

97. (a) The department, in consultation with the Department of the California Highway Patrol, shall develop pilot projects in both northern and southern California. The portions of the highways involved in the projects shall be designated and identified as "Safety Enhancement-Double Fine Zones" and shall be in the following locations:

(1) On Route 37, between the intersection with Route 121 and the intersection with Route 29.

(2) On Route 4, between the *city limits of Brentwood and the Contra Costa-San Joaquin county line*.

(3) On Route 74, at both of the following locations:

(A) Between the intersection with Route 5 and the intersection with the Riverside-Orange county line.

(B) Between the junction with Route 15 and the intersection with Seventh Street in the City of Perris.

(4) On Route 46, between the intersection with Route 101 and the junction with Route 41.

(5) On the Golden Gate Bridge.

(6) On Route 12, between the intersection with Walters Road in the City of Suisun and the intersection with Lower Sacramento Road in the City of Lodi.

(7) On Route 138, between the intersection with Avenue T and Pearblossom Highway and the intersection with Interstate Highway Route 15.

(8) On Route 101, at both of the following locations:

(A) Between the intersection with Boronda Road and the intersection with the San Benito-Monterey county line.

(B) The five-mile segment between the Eureka Slough Bridge No. 4-22 to the Gannon Slough Bridge No. 4-24 in Arcata.

(9) On Route 152, between the junction with Route 156 at the Don Pacheco "Y" and the intersection with Ferguson Road.

(10) On Route 2, between the city limits of La Canada Flintridge and the intersection with Route 39.

(b) (1) The department shall adopt rules and regulations prescribing uniform standards for warning signs to notify motorists that, pursuant to Section 42010 of the Vehicle Code, increased penalties apply for traffic violations that are committed within Safety Enhancement-Double Fine Zones. The rules and regulations adopted by the department shall include, but not be limited to, a requirement that Safety Enhancement-Double Fine Zones be identified with signs stating: "Special Safety Zone Begins Here" and "Special Safety Zone Ends Here."

(2) The department or local authorities, with respect to highways under their respective jurisdictions, shall place and maintain the warning signs specified in paragraph (1) in areas designated under subdivision (a).

(3) The department shall report to the Legislature on January 1, 2003, on the results of these pilot projects **with the exception of those described in paragraph (2) of, and subparagraph (B) of paragraph (8) of, subdivision (a)**, including a determination of whether the projects were successful. In its report, the department shall update the January 1, 1998, report, and shall provide a detailed analysis on the impact of the pilot projects on highway safety, including, but not limited to, the number of accidents, traffic injuries, and fatalities in the project areas; and, in consultation with the Department of the California Highway Patrol, recommend specific criteria for designation of a highway as a Safety Enhancement-Double Fine Zone. A determination that the projects were successful shall be based upon a showing that a statistically significant decrease in the number of accidents, traffic injuries, and fatalities has occurred in the project areas. **The department shall report to the Legislature on or before January 1, 2004, on the results of the pilot projects described in paragraph (2) of, and subparagraph (B) of paragraph (8) of, subdivision (a).**

(c) Designation of a highway as a Safety Enhancement-Double Fine Zone does not increase the civil liability of the state under Division 3.6 (commencing with Section 810) of Title 1 of the Government Code or any other provision of law relating to civil liability.

(d) (1) Only the base fine shall be enhanced pursuant to this section.

(2) Notwithstanding any other provision of law, any additional penalty, forfeiture, or assessment imposed by any other statute shall be based on the amount of the base fine before enhancement or doubling and shall not be based on the amount of the enhanced fine imposed pursuant to this section.

(e) The pilot projects specified in subdivision (a) shall not be elevated in priority for state funding purposes.

(f) (1) Subject to paragraph (3), the County of Monterey, in consultation with the Department of the California Highway Patrol, shall establish and administer a Safety Enhancement-Double Fine Zone pilot project that meets all of the requirements of this section on County Road 16 (also known as Carmel Valley Road) between the junction with Route 1 and the junction with Camp Stefani Road. The county shall assume all responsibilities that would otherwise accrue to the department for the administration of a pilot project under this section and shall administer the pilot project in accordance with the rules and regulations adopted by the department for the administration of a Safety Enhancement-Double Fine Zone.

(2) The county, in consultation with the California Highway Patrol, shall coordinate the evaluation of the Carmel Valley Road pilot project with the department to enable inclusion of that evaluation in the report submitted by the department to the Legislature under paragraph (3) of subdivision (b).

(3) (A) The county shall submit the evaluation described in paragraph (2) to the department on or before **January 1, 2004**.

(B) If the county fails to submit the evaluation on or before **January 1, 2004**, that failure shall result in the immediate termination of the Carmel Valley Road pilot project authorized in this subdivision.

(g) This section shall remain in effect only until January 1, 2004, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2004, deletes or extends that date.

(Amended Sec. 1, Ch. 378, Stats. 2002. Effective January 1, 2003.)

Closing or Restricting Use of Highways

124. The department may restrict the use of, or close, any State highway whenever the department considers such closing or restriction of use necessary:

(a) For the protection of the public.

(b) For the protection of such highway from damage during storms or during construction, improvement or maintenance operations thereon.

125. To notify the public that a state highway is closed or its use restricted, the department may:

(a) Erect suitable barriers or obstructions upon such highway.

(b) Post warnings and notices of the condition of any such highway.

(c) Post signs for the direction of traffic upon it, or to or upon any other highway or detour open to public travel.

(d) Place warning devices on such highway.

(e) Assign a flagman to warn, detour or direct traffic on such highway.

(Amended Ch. 837, Stats. 1951.)

127. The California Highway Patrol shall cooperate with the department in the enforcement of the closing, or restriction of use, of any State highway.

Divided Highways: Traffic Regulation

145. The department is authorized to lay out and construct local service roads on and along any state highway where there is particular danger to the traveling public of collision due to vehicles entering the highway from the side thereof and to divide and separate any service road from the main thoroughfare by raised curbs or dividing sections or by other appropriate devices.

It is unlawful for any person to drive any vehicle into the main thoroughfare from any service road except through an opening in the dividing curb or dividing section or dividing line.

Any person who violates any provision of this section is guilty of a misdemeanor.

(Amended Ch. 777, Stats. 1980. Effective January 1, 1981.)

Vending From State Highway

731. Any vehicle or structure parked or placed wholly or partly within any state highway, for the purpose of selling the same or of selling therefrom or therein any article, service or thing, is a public nuisance and the department may immediately remove that vehicle or structure from within any highway.

Any person parking any vehicle or placing any structure wholly or partly within any highway for the purpose of selling that vehicle or structure, or of selling therefrom or

therein, any article or thing, and any person selling, displaying for sale, or offering for sale any article or thing either in or from that vehicle or structure so parked or placed, and any person storing, servicing, repairing or otherwise working upon any vehicle, other than upon a vehicle which is temporarily disabled, is guilty of a misdemeanor.

The California Highway Patrol and all peace officers may enforce the provisions of this chapter and shall cooperate with the department to that end. Whenever any member of the California Highway Patrol or any peace officer removes a vehicle from a highway under the provisions of this section, then all of the provisions of Article 3 (commencing with Section 22850), Chapter 10, Division 11 of the Vehicle Code with reference to the removal of a vehicle from a highway shall be applicable.

This section does not prohibit a seller from taking orders or delivering any commodity from a vehicle on that part of any state highway immediately adjacent to the premises of the purchaser; prohibit an owner or operator of a vehicle, or a mechanic, from servicing, repairing or otherwise working upon any vehicle which is temporarily disabled in a manner and to an extent that it is impossible to avoid stopping that vehicle within the highway; or prohibit coin-operated public telephones and related telephone structures in park and ride lots, vista points, and truck inspection facilities within state highway rights-of-way for use by the general public.

(Amended Ch. 775, Stats. 1991. Effective January 1, 1992.)

Chapter 6. Golf Cart Transportation Plan

(Amended Sec. 2, and repealed Sec. 10, Ch. 334, Stats. 1995. Effective January 1, 1996.
Repeal operative on the date set forth in Section 1967.)

1950. It is the intent of the Legislature, in enacting this chapter, to authorize any city or county to establish a golf cart transportation plan for a plan area in the city or county. It is the further intent of the Legislature that this transportation plan be designed and developed to best serve the functional travel needs of the plan area, to have the physical safety of the golf cart driver's person and property as a major planning component, and to have the capacity to accommodate golf cart drivers of every legal age and range of skills.

(Amended Sec. 3, Ch. 334, Stats. 1995. Effective January 1, 1996.)

1951. The following definitions apply to this chapter:

(a) "Plan area" means that territory under the jurisdiction of a city or county designated by the city or county for a golf cart transportation plan, including the privately owned land of any owner that consents to its inclusion in the plan.

(b) "Golf cart" means a motor vehicle having not less than three wheels in contact with the ground and unladen weight less than 1,300 pounds which is designed to be and is operated at not more than 25 miles per hour and is designated to carry golf equipment and not more than two persons, including the driver.

(c) "Golf cart lanes" means all publicly owned facilities that provide for golf cart travel including roadways designated by signs or permanent markings which are shared with pedestrians, bicyclists, and other motorists in the plan area.

(Amended Sec. 4, Ch. 334, Stats. 1995. Effective January 1, 1996.)

1953. (a) A city or county may, by ordinance or resolution, adopt a golf cart transportation plan.

(b) The transportation plan shall have received a prior review and the comments of the appropriate transportation planning agency designated under subdivision (a) or (b) of Section 29532 of the Government Code and any agency having traffic law enforcement responsibilities in that city or county.

(c) The transportation plan shall not include the use of any state highway, or any portion thereof.

(Amended Sec. 5, Ch. 334, Stats. 1995. Effective January 1, 1996.)

1955. The transportation plan shall include, but is not limited to, all of the following elements:

(a) Route selection, which includes a finding that the route will accommodate golf carts without an adverse impact upon traffic safety, and will consider, among other things, the travel needs of commuters and other users.

(b) Transportation interfacing, which shall include, but not be limited to, coordination with other modes of transportation so that a golf cart driver may employ multiple modes of transportation in reaching a destination in the plan area.

(c) Citizens and community involvement in planning.

(d) Flexibility and coordination with long-range transportation planning.

(e) Provision for golf cart related facilities including, but not limited to, special access points and golf cart crossings.

(f) Provisions for parking facilities, including, but not limited to, community commercial centers, golf courses, public areas, parks, and other destination locations.

(g) Provisions for special paving, road markings, signage and striping for golf cart travel lanes, road crossings, parking, and circulation.

(h) No adopted transportation plan shall include the establishment of a golf cart lane along, or that cross, a state highway unless authorized by the department.

1957. (a) If a city or county adopts a golf cart transportation plan, it shall do both of the following:

(1) Establish minimum general design criteria for the development, planning, and construction of separated golf cart lanes, including, but not limited to, the design speed of the facility, the space requirements of the golf cart, and roadway design criteria.

(2) In cooperation with the department, establish uniform specifications and symbols for signs, markers, and traffic control devices to control golf cart traffic; to warn of dangerous conditions, obstacles, or hazards; to designate the right-of-way as between golf carts, other vehicles, and bicycles; to state the nature and destination of the golf cart lane; and to warn pedestrians, bicyclists, and motorists of the presence of golf cart traffic.

(b) The construction of separated golf cart lanes, as required under paragraph (1) of subdivision (a), does not apply in a residence district, as defined in Section 515 of the Vehicle Code, located within any city containing a population of less than 50,000 residents with a geographical area of more than 20 square miles in which city there are at least 20 golf courses, if the speed limit in that district is 25 miles per hour or less.

(Amended Sec. 1, Ch. 536, Stats. 1997. Effective January 1, 1998.)

1959. A city or county that adopts a golf cart transportation plan may do the following:

(a) Acquire, by dedication, purchase, or condemnation, real property, including easements or rights-of-way, to establish golf cart lanes.

(b) Establish a golf cart transportation plan as authorized by this chapter.

(Amended Sec. 7, Ch. 334, Stats. 1995. Effective January 1, 1996.)

1961. A city or county that adopts a golf cart transportation plan shall adopt all of the following as part of the plan:

(a) Minimum design criteria for golf carts, that may include, but not be limited to, headlights, turn signals, safety devices, mirrors, brake lights, windshields, and other devices. The criteria may include requirements for seatbelts and a covered passenger compartment.

(b) A permit process for golf carts that requires permitted golf carts to meet minimum design criteria adopted pursuant to subdivision (a). The permit process may include, but not be limited to, permit posting, permit renewal, operator education, and other related matters.

(c) Minimum safety criteria for golf cart operators, including, but not limited to, requirements relating to golf cart maintenance and golf cart safety. Operators shall be required to possess a valid California driver's license and to comply with the financial responsibility requirements established pursuant to Chapter 1 (commencing with Section 16000) of Division 7.

(d) (1) Restrictions limiting the operation of golf carts to separated golf cart lanes on those roadways identified in the transportation plan, and allowing only those golf carts that have been retrofitted with the safety equipment specified in the plan to be operated on separated golf cart lanes of approved roadways in the plan area.

(2) Any person operating a golf cart in the plan area in violation of this subdivision is guilty of an infraction punishable by a fine not exceeding one hundred dollars (\$100).

(Amended Sec. 1.5, Ch. 536, Stats. 1997. Effective January 1, 1998.)

1965. (a) The Department of the California Highway Patrol, in consultation with any affected local agencies, shall prepare and submit to the Legislature, not later than April 1, 1997, a report evaluating golf cart transportation programs operated by cities or counties.

(b) All local agencies operating golf cart transportation programs shall cooperate with the department in the preparation of the report required under this section, including, but not limited to, providing all information requested by the department.

(Added Sec. 10, Ch. 334, Stats. 1995. Effective January 1, 1996.)

Chapter 15. FREEWAY SERVICE PATROLS

(Added Ch. 1109, Stats. 1992. Effective September 29, 1992.)
(Repealed Ch. 1109, Stats. 1992. Effective September 29, 1992.
Operative January 1, 1997.)

2560. This chapter shall be known and may be cited as the Freeway Service Patrol Act.

(Added Ch. 1109, Stats. 1992. Effective September 29, 1992.)

2560.5. (a) The purpose of this chapter is to provide for permanent implementation of a freeway service patrol system **using a formula-based allocation** on traffic-congested urban freeways throughout the state, involving a cooperative effort between state and local agencies.

(b) In addition to the formula-based allocation program established, subject to funds being appropriated in the annual Budget Act, in subdivision (a), there is hereby established a Competitive Freeway Service Patrol Grant Program to provide funding of a freeway service patrol system to reduce traffic congestion.

(Amended Sec. 1, Ch. 578, Stats. 2002. Effective September 14, 2002.)

2561. As used in this chapter, each of the following terms has the following meaning:

(a) "Emergency roadside assistance" has the same meaning as defined in Section 2436 of the Vehicle Code.

(b) "Employer" has the same meaning as defined in Section 2430.1 of the Vehicle Code.

(c) "Freeway service patrol" means a program managed by the Department of the California Highway Patrol, the department, and a regional or local entity which provides emergency roadside assistance on a freeway in an urban area.

(d) "Regional or local entity" has the same meaning as defined in Section 2430.1 of the Vehicle Code.

(e) "Tow truck driver" has the same meaning as defined in Section 2430.1 of the Vehicle Code.

(Added Ch. 1109, Stats. 1992. Effective September 29, 1992.)

2561.3. The freeway service patrol in any particular area shall be operated pursuant to **an agreement** between the Department of the California Highway Patrol, the department, and the appropriate regional or local entity.

(Amended Sec. 2, Ch. 578, Stats. 2002. Effective September 14, 2002.)

2561.5. (a) Funding for the freeway service patrols established pursuant to this chapter shall be provided, upon **appropriation in the annual Budget Act**, from the State Highway Account in the State Transportation Fund. In addition, the appropriate regional or local entity shall ensure that local resources are expended on freeway service patrols in an amount not less than 25 percent of the amount provided from the State Highway Account.

(b) In locations where there already is a freeway service patrol, the department shall coordinate and integrate the funds appropriated pursuant to this section into the existing program. In the allocation of these funds, no local entity may be penalized for having an existing freeway service patrol program.

(c) No state funding may be released prior to the execution of the **agreement** developed under Section 2561.3.

(d) No program funded under this chapter may supplant emergency response towing services provided by the department as of January 1, 1992.

(e) It is the intent of the Legislature that funding **provided under subdivision (a) of Section 2560.5** be consistent from year to year in order to facilitate the awarding of multiyear contracts between participating regional and local entities and providers of freeway patrol services.

(Amended Sec. 3, Ch. 578, Stats. 2002. Effective September 14, 2002.)

2562.1. Funding for **the program established in subdivision (a) of Section 2560.5** in a participating area shall be based 25 percent on the number of urban freeway lane miles in the participating area to the total number of freeway lane miles in all the participating areas, 50 percent on the basis of the ratio of the population of the participating area to the total population of all the participating areas, and 25 percent on the basis of traffic congestion as ascertained by the department pursuant to the most recent Statewide Highway Traffic Congestion Monitoring Program.

(Amended Sec. 5, Ch. 513, Stats. 2000. Effective January 1, 2001.)

(Amended and renumbered from 2562 Sec. 4, Ch. 578, Stats. 2002. Effective September 14, 2002.)

2562.3. In determining the annual funding allocation, regional or local entities shall apply to the department in accordance with program guidelines.

(Amended Sec. 6, Ch. 513, Stats. 2000. Effective January 1, 2001.)

2562.5. Each tow truck participating in a freeway service patrol shall bear a logo comprised of, at a minimum, a circle, a triangle, and a tow truck silhouette, with the words "Freeway Service Patrol," which identifies the Department of the California Highway Patrol and the department, and, at the option of the entity, the participating regional or local entity. Participating regional or local entities may place an approved logo on participating tow trucks.

(Amended Sec. 7, Ch. 513, Stats. 2000. Effective January 1, 2001.)

2563. Tow truck drivers and employers participating in a freeway service patrol pursuant to this chapter are subject to the standards and qualifications established under Article 3.3 (commencing with Section 2430) of Chapter 2 of Division 2 of the Vehicle Code.

(Amended Sec. 8, Ch. 513, Stats. 2000. Effective January 1, 2001.)

2564. Not more than 2 percent of the state funds appropriated for purposes of this chapter shall be used for administrative overhead expenses or purposes by state agencies. No state funds shall be used for administrative purposes by the participating local and regional entities.

(Amended Sec. 10, Ch. 513, Stats. 2000. Effective January 1, 2001.)